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FORM PTO-1083

Docket No.: 6001.1283
Date: November 26, 2007

Mail Stop: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: **KASPER et al.**
Serial No.: 10/628,652
Filed: July 28, 2003
For: **FLUID SUPPLY DEVICE FOR A PRINTING MACHINE**

Sir:

Transmitted herewith is an **APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41 (4 pages)** in the above-identified application.

- ☒ Also transmitted herewith are:
[] Petition for extension under 37 C.F.R. 1.136
[X] Other: **Return Receipt Postcard**
- [] Check(s) in the amount of **\$0.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[] Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on November 26, 2007.
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:
Shelia Cockburn



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: **KASPER et al.**
Application No.: 10/628,652
Filed: July 28, 2003
Art Unit: 2854
Examiner: Ren Luo Yan
Attorney Docket No.: 6001.1283
Title: **FLUID SUPPLY DEVICE FOR A PRINTING
MACHINE**

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November 26, 2007

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellants submit this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated September 26, 2007 and in response to the non-final Office Action dated December 4, 2006. Appellants respectfully reassert each of the arguments asserted in Appellants' Brief dated June 4, 2007, and provides herein only a rebuttal of several of the arguments raised in the Examiner's Answer.

No fee is believed required. If any fee is required at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

Rejections under 35 U.S.C. §102(b)

Claims 17 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Granger, U.S. Patent No. 3,585,932.

In addition to the previous comments, no film is split by the asserted metering element of Granger, as the ink leaves a reservoir. Moreover, the thickness of the fluid film downstream is a positive limitation not met by Granger. The assertion by the Examiner that Granger has the exact structural arrangement as disclosed is simply false. Granger has a reservoir 38, cells 25 and a different structure for metering element 61: this is a different device not used to split an ink film, and would not result in the claimed invention.

Withdrawal of the rejection to claims 17 and 21 is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1 to 4, 6 to 9, 12 to 14, 20 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shriver, U.S. Patent No. 5,003,875, in view of Granger, U.S. Patent No. 3,585,932.

It is respectfully submitted that the Examiner's statement that one of ordinary skill "would be motivated to provide the ink metering blade 150 of Shriver with a concave surface facing the roller surface as taught by Granger in order to accurately control the thickness and uniformity of the film of ink downstream of the metering blade so as to improve printing quality" is incorrect. There is no indication that concave surface 62 of blade 61 of Granger, by itself, provides accurate control of the ink. Blade 61 of Granger does not have "an edge for splitting the fluid film" as recited in claim 1. In fact, it is not the concavity of blade 61 which provides any uniformity, as discussed in Granger, but rather it is the ink passages 75, 76 shown in Fig. 3 which "move the viscous news ink from an inlet end of the fountain to an outlet end thereof for maintaining a uniform supply of ink along the entire length of the cylinder or along the entire length of each section of the cylinder." (See Granger col. 3; lines 40 to 50). Granger does not teach providing concavity to form a uniform surface, but rather to provide pumping axially by

the passages 75, 76 to perform this function. Such a structure would be useless or counterproductive with the Shriver blade, as in Shriver an ink film has already formed. The passages 75, 76 of Granger would bulk up the ink and are clearly meant to be used with a reservoir structure, not against a film as in Shriver.

Blade 150 of Shriver performs its function outside of reservoir 34 of Shriver while blade 61 of Granger performs its function within reservoir 38 of Granger. Furthermore, surface 150 of Shriver has a concave surface in order to return all excess ink back to the open reservoir 34. (See Shriver col. 5; lines 26 to 31). If a portion or the whole blade structure 61 of Granger were inserted into Shriver, one of ordinary skill would still not be motivated to combine the references because there is no indication that surface 62 of Granger placed in the side of surface 150 of Shriver would accurately control the ink film or aid in performing film splitting. In fact, surface 62 of Granger would negate the film splitting performance of concave surface 150 of Shriver by removing the left-most tip of surface 150 (nearest portion 40 of Fig. 6), thereby splashing ink, while surfaces 63, 64, if placed in Shriver, would tend to hold ink between the fins and not return the ink to reservoir 34. Moreover as discussed above, the passages 75, 76 of Granger would bulk up the ink and ruin the film in Shriver. There is no indication that merely the concavity of Granger provides any benefit at all. The rejection is merely based on hindsight.

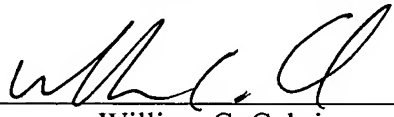
Withdrawal of the rejection over Shriver in view of Granger is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

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